

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT LEE DeFOY)	
)	
Petitioner)	
)	
v.)	C.A. No. 00-110 Erie
)	
JOHN M. MCCULLOUGH, et al.,)	
)	
Respondents.)	

**PETITIONER ROBERT LEE DeFOY'S MOTION TO EXTEND TIME
FOR TAKING DISCOVERY**

AND NOW, comes the Petitioner, Robert Lee DeFoy, by his attorney, Thomas W. Patton, Assistant Federal Public Defender, and files this Motion To Extend Time For Taking Discovery.

In support thereof Counsel states:

1. On May 2, 2006 this Court entered an order stating that discovery in this case will close on September 1, 2006, and setting a deadline of September 22, 2006 for the filing of dispositive motions and October 12, 2006 for the filing of briefs in opposition to dispositive motions.

2. The parties have been engaged in the discovery process and to date have deposed six of the eight witnesses Mr. DeFoy seeks to depose. The parties have diligently been trying to schedule the depositions of Pennsylvania Board of Probation and Parole Board member Michael Webster and retired Board member Nicholas Muller. Due to scheduling conflicts these depositions have yet to take place. Mr. Muller's deposition is proving difficult to schedule as he has retired to Kentucky.

3. Mr. DeFoy respectfully requests that the Court extend the time for taking discovery for another 60 days to allow the parties to schedule the depositions of Mr. Webster and Mr. Muller.

4. Assistant Attorney General Scott A. Bradley does not oppose this motion.

WHEREFORE, petitioner, Robert Lee DeFoy, respectfully requests that this Honorable Court extend the time for taking discovery by 60 days.

Respectfully submitted,

/s/ Thomas W. Patton

Thomas W. Patton
Assistant Federal Public Defender
P.A. I.D. No. 88653